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REMARKS

As a preliminary matter, the withdrawal of the grounds of rejection set forth in the Official Action issued on March 28, 2006 is acknowledged with gratitude.

In the Official Action dated August 7, 2006, claims 1 through 98 are rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,368,710¹, issued to Hayes et al. (hereinafter "Hayes"). This is the sole reasons set forth in the Official Action of August 7, 2006, why the present application should not be allowed. Applicant respectfully traverses this rejection for the following reasons.

First, independent claims 1, 93, and 96 are amended herein to clarify that the sulfonated aliphatic-aromatic copolyesters of the invention comprise a glycol component that consists essentially of 1,4-butanediol. Support for these amendments appears in the specification in at least the following locations: on page 3, starting at line 33 (stating that any secondary glycol component is optional, being able to p be present as 0% of the total glycol) and on page 10 at lines 12 and 13 (stating that the first glycol component may be entirely 1,4-butanediol). Accordingly, no new matter is introduced into the application by these amendments.

Having the glycol component consist essentially of 1,4-butanediol is critical to imparting both high crystallinity and biodegradability to the sulfonated aliphatic-aromatic copolyesters of the invention. As noted in the Examples on page 63, starting at line 22 "The product formed in Example 3 was found to have three times the level of crystallinity than that of Comparative Example CE 1, which is representative of known sulfonated copolyesters. This example further demonstrates the relatively high crystalline melting point of the sulfonated copolyesters of the present invention." The product formed in Example 3 was also found to be highly biodegradable, degrading 36.2 percent within 13 days under the test conditions set forth in the application.

¹ The reference actually cited in the Official Action of August 7, 2006 was U.S. Patent No. 63468710. Such a reference does not in fact exist. In an effort to advance this application to issue, the Applicant has prepared this response based on the assumption that the cited reference was a typographical error and was intended to be U.S. Patent No. 6,368,710, the closest reference number of record in this application. If in fact the Examiner intended to cite another reference than U.S. Patent No. 6,368,710 as the basis for rejection in the Official Action, the Applicant reserves the right to withdraw the amendments made in this response without prejudice and respectfully requests the Examiner to notify the undersigned of the correct reference to be cited.

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In contrast, the copolyesters described in Hayes must contain appreciable amounts of isosorbide (Column 2, line 36 and all claims in Hayes). The sulfonated aliphatic-aromatic copolyesters of the invention comprise a glycol component consisting essentially of 1,4-butanediol. As such, the sulfonated aliphatic-aromatic copolyesters of the invention contain no appreciable amounts of isosorbide in the glycol component.

Consequently, Applicant respectfully submits that claim 1, as amended herein, is not anticipated by Hayes, because the cited reference does not describe every element of the claimed invention.

Moreover, although there is no rejection under 35 U.S.C. § 103 in the August 7, 2006 Official Action, Applicant notes that because Hayes does not teach or suggest every element of the claimed invention, a *prima facie* case of the obviousness of claim 1, as amended, cannot be made out over the cited reference. Thus, newly amended claim 1 is patentably distinct from the claims of the Hayes reference.

In light of the facts and reasoning set forth above, Applicant does not believe that the differences between the claimed invention and the composition described by Hayes are merely conventional, as has been asserted in the Official Action on page 5. Should the Examiner maintain this position, however, Applicant respectfully requests that a supporting reference or affidavit be provided. See 37 C.F.R. § 1.104.

Finally, claims 93 and 96, although independent, are amended herein to specifically recite all of the features of the crystalline sulfonated aromatic-aliphatic copolyetherester of claim 1. Therefore, claims 93 and 96 are also not anticipated and not obvious, for at least the reasons set forth above with respect to claim 1. In addition, claims 2 through 92 and claims 94, 95, 97 and 98 depend, directly or indirectly, from claim 1, claim 93, or claim 96. It follows by statute that the dependent claims are also not anticipated by and not obvious over Hayes.

Accordingly, Applicant respectfully requests that the rejections of claims 1 through 98 under 35 U.S.C. § 102(b), with respect to Hayes, be withdrawn upon reconsideration.

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Conclusion

Should any fee be required in connection with the present response, the Examiner is authorized to charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and such action is respectfully requested. In closing, the Examiner is invited to contact the undersigned attorney by telephone at (302) 992-2771 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



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